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09/900,673	07/06/2001	Ralf Duckeck	10191/1951	6734
26646	7590	02/23/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			NGUYEN, HUNG T	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 02/23/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,673

Applicant(s)

DUCKECK, RALF

Examiner

Hung T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 14-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 14-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 14-15, 19-21, 24, 26 & 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Theimer et al. (U.S. 6,240,363).

Regarding claim 1, Theimer discloses a method for determining and outputting travel instructions for a travel route from a starting point (Z1) to a destination (Zn), in particular for

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vehicle operators using of public transportation / a navigation device (10) [figs.1, 2a & 8, col.4, lines 6-27, col.6, lines 4-12 and abstract] comprising:

- connecting an arithmetic unit (15) at least temporarily with a central station (12) [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.5, line 32];
- transmitting (11) the starting point (Z1) and the destination (Zn) to the central station (12) [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.5, line 32];
- determining the travel route by the central station (12) [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.5, line 59];
- determining a sequence of travel instructions by the central station (12) by a computer (14) from the travel route [figs.1, 2a, 8, col.4, lines 6-15 and col.4, line 66 to col.6, line 12];
- the sequence of travel instructions is determined or controlled by the central station (12) in the form of the central computer (14) via radio network is remotely located to provide any travel route instructions and transmitted to the arithmetic unit (15) as requested by a vehicle operator [figs.1-8, col.4, lines 6-15 and col.4, line 66 to col.6, line 12];
- transmitting (11) the sequence of travel instructions is transmitted from the central station (12) to the arithmetic unit (15) [figs.1, 2a, 8, col.4, lines 6-15 and col.4, line 66 to col.6, line 12];
- storing / memory (16) the sequence of travel instructions in the arithmetic (15) [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.5, line 32] and
- outputting (18) the travel instructions by the arithmetic (15), one after the other, in accordance with the sequence of travel instructions [figs.1-2, 8, col.4, lines 6-15 and col.5, line 45 to col.6, line 12].

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Regarding claim 14, Theimer discloses the method for determining and outputting travel instructions for a travel route from a starting point (Z1) to a destination (Z7) further comprising:

- arranging the arithmetic unit (15) in a mobile computing device / cellular phone (19) and linking the arithmetic unit (15) to the central station (12) via a radio connection (11) / a navigation device (10) is a portable device [fig.1, col.4, lines 28-36 and col.5, lines 10-32].

Regarding claim 15, Theimer discloses the method for determining and outputting travel instructions for a travel route from a starting point (Z1) to a destination (Z7) further comprising:

- continuing to store / memory (16) the sequence of the travel instructions in the central station (12) after a first retrieval for a specifiable period of time by a input device (17) [fig.1, col.3, lines 54-58 and col.5, lines 10-32];
- updating the stored sequence of the travel instructions during the specifiable period of time by a user [col.3, lines 16-32 , col.5, lines 4-9].

Regarding claim 19, Theimer discloses the method according to claim 1, further comprising:

- assigning position (20) on the travel route to the travel instructions [figs.2-8, col.3, lines 54-58 and col.5, line 45 to col.6, line 12];
- inputting (17) into the arithmetic unit (15) by a user a fact of reaching a position [fig.1, col.5, lines 10-59];

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- outputting (18) the travel instructions as a function of a position that is input (17) [figs.1-2, col.3, lines 54-58 and col.5, line 10 to col.6, line 12].

Regarding claim 20, Theimer discloses the method according to claim 1, further comprising:

- connecting a locator device / G.P.S. (20) to the arithmetic unit (15) [fig.1, col.5, lines 33-43];
- determining a position of the arithmetic unit (15) using the locator device (20) [fig.1, col.5, lines 10-43];
- outputting (18) a travel instructions from the sequence of the travel instructions **in the form of nodes which represent individual position on a map** as a function of the position of the arithmetic unit [figs.2-8, col.3, lines 54-58 and col.5, line 45 to col.6, line 12].

Regarding claim 21, Theimer discloses a method for determining and outputting travel instructions for a travel route from a starting point (Z1) to a destination (Zn), in particular for vehicle operators / a navigation device (10) [figs.1,8, col.4, lines 28-39 and abstract].

Regarding claim 24, Theimer discloses an arithmetic unit (15) for outputting travel instructions for a travel route from a starting point (Z1) to a destination (Zn) [figs.1, 2a, 8, col.4, lines 6-15 and col.4, line 66 to col. 5, line 31], comprising:

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- a connecting arrangement for connecting with a central station (12) and for transmitting the starting point (Z1) and the destination (Zn) to the central station [figs.1, 2a, 8, col.4, lines 6-15 and col.4, line 66 to col. 5, line 31];
- sequence of travel instructions is determined or controlled by the central station (12) in the form of the central computer (14) via radio network is remotely located to provide any travel route instructions and transmitted to the arithmetic unit (15) as requested by a vehicle operator [figs.1, 2a, 8, col.4, lines 6-15 and col.5, line 10 to col.6, line 12];
- a memory arrangement (16) for storing a sequence of the travel instructions [fig.1, col.5, lines 10-31];
- an outputting arrangement (18) for outputting the travel instructions [figs.1, 2a, col.5, line 10 to col.6, line 12].

Regarding claim 26, Theimer discloses a central station (12) for determining travel instructions for a travel route from a starting point (Z1) to a destination (Zn) [figs.1-8, col.4, lines 6-15 and col.4, line 66 to col. 5, line 31], comprising:

- a connection arrangement for connecting with an arithmetic unit (15) and for receiving the starting point (Z1) to a destination (Zn) [figs.1, 2a, 8, col.4, lines 6-15 and col.4, line 66 to col. 5, line 31];
- sequence of travel instructions is determined or controlled by the central station (12) in the form of the central computer (14) via radio network is remotely located to provide any travel

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route instructions and transmitted to the arithmetic unit (15) as requested by a vehicle operator [figs.1, 2a, 8, col.4, lines 6-15 and col.5, line 10 to col.6, line 12];

- a determination arrangement for determining a travel route and the travel instructions [figs.1,2a, 8, col.4, lines 6-15 and col.5, line 10 to col. 6, line 12];

- a transmission arrangement (11) for transmitting a sequence of the travel instructions from the central station (12) to the arithmetic unit (15) [figs.1-8, col.4, lines 6-15 and col.4, line 66 to col. 5, line 31].

Regarding claim 28, Theimer discloses a method for determining and outputting travel instructions for a travel route from a starting point (Z1) to a destination (Zn), in particular for vehicles which could be used by public transportation such as cabs or buses or trains is inherently [figs.1,8, col.4, lines 28-39 and abstract].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 16-18, 25 & 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer (U.S. 6,240,363).

Regarding claim 16, Theimer does not disclose the term retrieving the travel instructions by the arithmetic unit using a public accessible operating device.

However, Theimer clearly discloses the method for determining and outputting travel instructions for a travel route from a starting point (Z1) to a destination (Z7) further comprising:

- the arithmetic unit (15) at least temporarily with the central station (12) [figs.1, 2a, 8, col.4, lines 6-15 and col.4, line 66 to col.5, line 32];
- transmitting (11) the starting point (Z1) and the destination (Zn) to the central station (12) [figs.1, 2a, 8, col.4, lines 6-15 and col.4, line 66 to col.5, line 32];
- determining the travel route by the central station (12) [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.5, line 32];
- determining a sequence of travel instructions by the central station (12) by a computer (14) from the travel route [figs.1, 2a, 8, col.4, lines 6-15 and col.5, line 10 to col.6, line 12];
- transmitting (11) the sequence of travel instructions is transmitted from the central station (12) to the arithmetic unit (15) [figs.1,8, col.4, lines 6-15 and col.5, line 10 to col.6, line 12];
- **storing / memory (16)** the sequence of travel instructions in the arithmetic (15) for requesting direction information [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.5, line 32] and

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- **outputting / display (18)** the travel instructions by the arithmetic (15), one after the other, in accordance with the sequence of travel instructions / the desired direction information to be reported to the user of the navigation device (10) [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.6, line 24].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the system of Theimer to provide any desired travel instructions to everyone interesting in both private or public system.

Regarding claims 17-18, Theimer fails to disclose the method according to claim 1 further comprising:

- planning the travel route by a fixed second arithmetic unit;
- retrieving the sequence of the travel instructions by the first arithmetic unit from the central;
- arranging the fixed second arithmetic unit in a personal computer.

However, Theimer clearly discloses the method for determining and outputting travel instructions for a travel route from a starting point (Z1) to a destination (Z7) further comprising:

- the navigation device (10) comprises arithmetic unit (15) is equipped with a memory (16) for storing the data for a route, an input unit (17), an output unit (18) interchanges data with the central station (12) [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.5, line 32];
- determining a sequence of travel instructions by the central station (12) by a computer (14) from the travel route [figs.1, 2a, 8, col.4, lines 6-15 and col.5, line 10 to col.6, line 12];

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- transmitting (11) the sequence of travel instructions is transmitted from the central station (12) to the arithmetic unit (15) [figs.1, 2a, 8, col.4, lines 6-15 and col.5, line 10 to col.6, line 12];
- **storing / memory (16)** the sequence of travel instructions in the arithmetic (15) for requesting direction information [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.5, line 32] and
- **outputting / display (18)** the travel instructions by the arithmetic (15), one after the other, in accordance with the sequence of travel instructions / **the desired direction information to be reported to the user of the navigation device (10)** [figs.1-8, col.4, lines 6-15 and col.4, line 66 to col.6, line 24].
- the arithmetic unit (15) in a mobile computing device / cellular phone (19) and linking the arithmetic unit (15) to the central station (12) via a radio connection (11) / **the navigation device (10) is a portable computer device** [fig.1, col.4, lines 28-36 and col.5, lines 10-32].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Theimer includes a fixed second or third arithmetic unit is in a personal computer for providing any travel instructions to the user as desired.

Regarding claim 25, Theimer does not specifically mention the arithmetic unit (15) is positioned in a car radio device.

However those skilled in the art should recognize that the arithmetic unit (15) must be located within reached of the driver or about in the car radio device so the driver may comfortable see & access the travel instructions [fig.1, col.5, lines 10-22].

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Regarding claim 29, The navigation system (10) may show the driver all the driving instructions step by step or sequences and the final destination in the output device (18) which the driver is looking for after the driver entered the input data from the keyboard device (17) [figs.1,2a, col.5, line 10 to col.6, line 12].

5. Claims 22-23 & 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theimer (U.S. 6,240,363) in view of Camhi (U.S. 5,825,283).

Regarding claims 22-23 & 27, Theimer fails to disclose the method for determining and outputting travel instructions for a travel route from a starting point (Z1) to a destination (Z7) further comprising :

- connecting the central station via a data network includes the Internet to further service providers and generating the sequence of the travel instructions through access to other service providers;
- the arithmetic unit is connected to the central station via the Internet.

Theimer clearly discloses the method for determining and outputting travel instructions for a travel route from a starting point (Z1) to a destination (Z7) further comprising:

- the navigation device (10) comprises the arithmetic unit (15) is equipped with a memory (16) for storing the data for a route , an input unit (17) , an output unit (18) interchanges data with the central station (12) [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.5, line 32];

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- determining a sequence of travel instructions by the central station (12) from a computer (14) for the travel route instructions [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.5, line 32];
- transmitting (11) the sequence of travel instructions is transmitted from the central station (12) to the arithmetic unit (15) [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.5, line 32].

The Internet has revolutionized the way people acquire information. Seemingly limitless volumes of data are now instantly available to users from their homes, office and so on. Portable devices of various types include portable computers, personal data assistants, wireless communication and in vehicle navigation and computer system can or will be used to access the Internet from any location.

Camhi teaches a data network includes the Internet is transmitted in the communication means (40) via the communication line (44) at the remote location or locations by a computer link [fig.3, col.17, line 55 to col.18 , line 10].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the teaching of Camhi in the system of Theimer for providing a rapid access to the user is assured any where in the world to receive any desired information.

Arguments & Responses

6. Applicant's arguments filed on Dec. 15, 2003 have been fully considered but they are not persuasive reasons.

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Applicant's Arguments:

- a) The applicant states that the Theimer's reference fails to disclose a sequence of travel instructions is determined by a central station.
- b) There is no suggestion by Theimer of a use of public transportation.
- c) Theimer does not specifically mention the arithmetic unit (15) is positioned in a car radio device.
- d) The references of Theimer / Camhi can not be combined for rejections.

Response to arguments:

- a) The Theimer's reference clearly discloses a method for determining and outputting (18) of driving instructions in which a sequence of travel instructions is determined or controlled by the central station (12) in the form of a central computer (14) via radio network (11) is remotely located to provide any travel route instructions by using respective latest available map technology and transmitted to the arithmetic unit (15) is connected to a cellular phone (19) as

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demand by a vehicle operator [figs.1, 2a, 8, col.4, line 66 to col.5, line 32 and col.5, line 45 to col.6, line 12].

b) Theimer discloses a method for determining and outputting travel instructions for a travel route from a starting point (Z1) to a destination (Zn), in particular for vehicles which could be used by public transportation such as cabs or buses or trains is inherently [figs.1,8, col.4, lines 28-39 and abstract].

c) Those skilled in the art will recognize that the arithmetic unit (15) must be located within reach of the driver or about in the car radio device so the driver may comfortably see & access the travel instructions [fig.1, col.5, lines 10-22].

d) Camhi teaches a location determining system can be installed in the vehicle includes the Internet is transmitted in the communication means (40) via the communication line (44) at the remote location or locations by a computer link [fig.3, col.17, line 55 to col.18 , line 10].

Therefore, the reference of Camhi could combine with the Theimer for rejections.

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Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

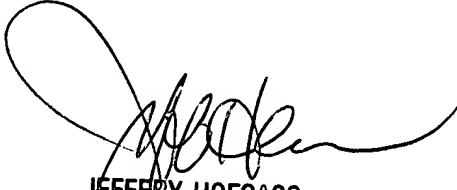
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filled within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTHS shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (703) 308-6796. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (703) 305-4717. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Examiner: Hung T. Nguyen

Date: Feb. 11, 2004


JEFFERY HOFSASS
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